

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JERRY BREESE,

Plaintiff.

v.

SERGEANT TREY KURTZ;  
MAUREEN T. BEIRNE; MDJ  
JONATHON WILCOX,

Defendants.

No. 4:17-CV-01678

(Judge Brann)

**ORDER**

**MAY 23, 2018**

1. On September 18, 2017, Plaintiff Jerry Breese filed an action under 42 U.S.C. § 1983 against Defendants. ECF No. 1.
2. The complaint alleges that, on July 1, 2014, Mr. Breese was searched by Defendant Trey Kurtz, a sergeant with the Canton Police Department, and that this search violated Mr. Breese's Fourth Amendment rights. *Id.* at 2.
3. On February 1, 2018, Sgt. Kurtz moved to dismiss Mr. Breese's complaint on statute of limitations grounds. ECF No. 23.
4. On May 4, 2018, Chief Magistrate Judge Susan E. Schwab issued a Report and Recommendation ("R&R") recommending that this Court grant Sgt. Kurtz's motion. ECF No. 31.
5. Mr. Breese did not object to the R&R.

6. This Court has reviewed the R&R, finds no error, and agrees with its conclusions.

Therefore, **IT IS HEREBY ORDERED** that:

7. The R&R, ECF No. 31, is **ADOPTED IN ITS ENTIRETY**.
8. Defendant's Motion to Dismiss, ECF No. 23, is **GRANTED**.
9. The Clerk of Court is directed to close this case.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge